

COMMENTS

The enclosed is responsive to the Examiner's Office Action mailed on June 6, 2007. At the time the Examiner mailed the Office Action claims 1-9, 10-18, 19-28 and 30 were pending. By way of the present response the Applicants have: 1) amended claims 1, 11 and 21; 2) added no new claims; and 3) not canceled any claims. As such, claims 1-9, 10-18, 19-28 and 30 remain pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

In the Office Action mailed on 6/6/07 the Examiner maintained a rejection of all independent claims as being anticipated by the Conti reference. In order to further advance the present application towards allowance, the Applicant has amended each of the independent claims to further emphasize a significant architectural difference between the teachings of the present application and the Conti reference.

Specifically, the Examiner's attention is drawn to the opening discussion of the teachings of the present application presented in paragraphs [0033], [0034] and [0036] of the Applicant's specification where the following statements are made (emphasis added)

[0033] The monitoring approach of **Figure 2** is an exemplary depiction that applies software monitoring techniques to the particular IS arrangement originally depicted in **Figure 1**. According to the monitoring techniques depicted in Figure 2, a Generic Request Message Generation (GRMG) infrastructure unit 209 is responsible for repeatedly sending a GRMG request message 211 (hereinafter, "request message") to a GRMG application 210. The request message 211 identifies the various software

components of a higher level "scenario". For example, in a typical implementation, the "scenario" might correspond to a business logic process that invokes a number of lower level software components (i.e., any one or more of: processes, programs, web pages); and, the request message 211 for the scenario identifies each of these components.

[0034] The GRMG application 210 is a unit of software that is designed to receive the request message 211 and "check into" the availability of each of the software components that are identified by the request message 211. The results of the inquiries into the software components are collected and placed into a GRMG response message 212 (hereinafter "response message"). For example, a functional disposition (e.g., "OKAY" or "ERROR") for each of the scenario's software components is included in the response message 212.

[0036] After the GRMG application 210 forms the response message 212, it is sent to the GRMG infrastructure 209. In the particular embodiment of **Figure 2**, the response message 212 is sent by the servlet engine 205 to the web server 204; which, in turn, forwards the message into the network 201. The GRMG infrastructure 209, in response to its reception of the response message 212, provides the availability test results that were expressed within the response message 212 to software that is responsible for generating images on a display 216. The results are then graphically depicted on the display 216 (e.g., in an "alert monitor tree" 215) so that an IS administrator can visually determine the status of the scenario (which, as discussed, may represent a business logic process).

Thus, the Applicant's specification teaches a testing scenario architecture that includes a form of testing "controller" (GRMG infrastructure 209) that: 1) coordinates the execution of the testing scenario by **repeatedly, during live testing**, sending request messages **to a server/servlet engine to test the availability** of one or more of its corresponding software component(s); and, 2) coordinates the test results by receiving response messages (from the aforementioned server/servlet engine) that **report the availability** of the software component(s).

The Conti system has no such controller. In the Conti system, each of the testing agents 14a - 14n execute "testing scripts" to simulate multiple users of the web-server under test. See, Conti, col. 3, lines 2 - 15. It is clear that in the Conti system, only the testing agents 14a - 14n repeatedly send requests during live testing to the server being tested. Notably, however, the tests results responsive to these requests are accumulated in a database system that is local to the server under test. See, Conti, col. 6, lines 38 - 57 (describing the

accumulation of test result data in "DB2 Stats table 132"); id., col. 3, line 46 to col. 4, line 11 (describing "stats" table 132 as being part of "DB2 product 25" of Fig. 1). Thus, the results of the testing are not reported back to the testing agents 14a - 14n. Therefore Conti does not describe a system in which an entity that repeatedly, during live testing, sends requests to a server whose software is being tested is also reported back to with the results of the tests.

By contrast the present application describes such a system and the currently presented claims recite its pertinent features (albeit from the testing application side that is opposite the controller entity). In particular the Applicant's independent claims now recite

repeatedly receiving request messages at a testing application running on a server or servlet engine, said repeatedly receiving occurring during execution of a testing scenario, each of said request messages identifying the same set of software components . . .

said testing application, in response to each of said request messages in executing said testing scenario, performing the following:

testing each of said one or more software components for availability and preparing and sending onto a network a response message to report availability or unavailability for each of said one or more software components to an entity that sent said response message's corresponding request message, wherein, at least one of said software components requires a login procedure for its availability test and each of said request messages include a userid for said login procedure.

Thus the Applicant respectfully submits that the claims are presently in allowable form and respectfully requests the allowance of same.

Closing Comments

Because the Applicant has demonstrated the patentability of all pending independent claims, the Applicant respectfully submits that all pending claims are allowable. The Applicant's silence with respect to the dependent claims should not be construed as an

admission by the Applicant that the Applicant is complicit with the Examiner's rejection of these claims. Because the Applicant has demonstrated the patentability of the independent claims, the Applicant need not substantively address the theories of rejection applied to the dependent claims.

In the further interests of efficiency, the Applicant reserves the right under MPEP 2144.03.C to cause the Examiner to find in the prior art subject matter to which the Examiner has taken Official Notice at a later time in the prosecution of the present case when the subject matter of such prior art is actually at issue.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

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